

**UNOFFICIAL
STATE FIRE COMMISSION MEETING
CANAAAN VALLEY FIRE DEPARTMENT
CANAAAN VALLEY, WV
OCTOBER 19, 2007**

The official business meeting was called to order at 8:35 AM by Chairman Charles Eversole.

COMMISSIONERS PRESENT:

Charles L. Eversole, Chairman
John Bailey, Secretary
Dale L. Clayton
Francis A. Guffey, II
Kenneth Morgan
Victor Stallard, Jr.

Bill L. Spencer, Vice Chairman
Joseph J. Bostar, III
Larry Goodwin
Randy James
James L. Oldaker

COMMISSIONERS ABSENT:

Chuck Runyon

David Tolliver

APPROVAL OF MINUTES

Commissioner Guffey made a motion to approve the minutes of August 3, 2007. Commissioner Spencer seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

INTRODUCTION OF GUESTS

Edward Hicks, Dept. of Education
Debrah Varner, Dept. of Education
Lanny L. Adkins, WVU-FSE
Rick Rice, RESA I
Barry Kelly, RESA III
Roderick Armstrong, RESA V
Jim Ancell, RESA V
Mike Freeman, RESA VII
Stan Traylor, RESA VI
Murrey Loflin, WVU-FSE
Ron Bateman, ISO
Robert Nevins, ISO
Mike Basile, Spilman, Thomas & Basile
Michael D. Reel, WVAHI
Bob Cannon, Beckley-Raleigh Code Enforcement Division, WV Code Officials
Ed Erjavec, WVAHI
Gary Bonnett, WV Fire Chiefs Association
Joe Stankiewicz, Weirton VFD Co #1
Ben Roy, NFPA
Doren Burrell, Attorney General's Office
Jake Wegman, Attorney General's Office

STAFF PRESENT:

Sterling Lewis, Jr., State Fire Marshal
Nancy Olson, Secretary
Debbie Hudson, Secretary
Joe Leake, Deputy Fire Marshal
Reed Cook, Deputy Fire Marshal
Carol Nolte, Deputy Fire Marshal

The Fire Commission thanked Fire Chief Sandy Green, Canaan Valley VFD, for their hospitality in hosting the Fire Commission meeting. Fire Chief Green stated his fire department had been instrumental in the search for a missing boy who was found safe and well after four (4) days in the woods. He stated he wanted to thank everyone who helped in this situation.

UNFINISHED BUSINESS

Short Creek VFD – Fire Marshal Lewis stated the documentation on Short Creek VFD was in the information packets. The first part was the findings and conclusion. He stated he was requesting that the Fire Commission determine if Short Creek VFD meets the criteria found under WV Code R8761 for the continued certification and/or recognition by the State Fire Commission. Fire Marshal Lewis went over the findings of the investigation. Fire Marshal Lewis stated that no one from the Fire Marshal's Office or the County Commission of Brooke County has been able to contact any individual that is a member or officer of the Short Creek VFD.

Commissioner Bailey made a motion that a hearing be set up for the Short Creek VFD for findings of probable cause that the fire department is failing to meet standards for continued recognition on the grounds of no ISO rating, insufficient training, insufficient manpower for activities and ceasing firefighting. Commissioner Guffey seconded the motion. Discussion followed. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Bailey made a motion to temporarily suspend recognition of the Short Creek VFD until a hearing is held. Commissioner Spencer seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Chairman Eversole stated he is aware that he will appoint a hearings examiner within 30 days.

Weirton Fire Department # and Weirton Heights Volunteer Fire Department

– Fire Marshal Lewis stated the Fire Marshal's Office has also received complaints concerning Weirton FD #1 and Weirton Heights VFD. The scope of the investigation was directed to the complaint itself. Weirton Co #1 was very cooperative and very open about their situation. They have been unable to contact Weirton Heights VFD by many different ways was unheeded. There was no contact there. Fire Marshal Lewis stated there is no first due areas for either of these fire departments. Part of the complaint stated that Weirton FD #1 did not have a fire station, or adequate equipment to engage in fire fighting. However, they did visit their fire station and their equipment was housed in an adequate building. In an inventory, they did have adequate equipment to respond

to and provide fire suppression procedures. Fire Marshal Lewis went over the complaints and the findings of the Fire Marshal's Office.

Mr. Joe Stankiewicz gave a history of the problems of the fire department. He stated their paperwork is on the way to the Secretary of State, not for dissolution but change of business. He stated they are changing the corporate name and it's function. The new name will be the Phoenix Society of West Virginia. It will be a non profit organization. It will be preservation of the volunteer fire service but it won't be a fire department. Discussion followed.

Commissioner Bailey made a motion to move to find probable cause first based on State Fire Marshal's report. Commissioner Guffey seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed. Chairman Eversole stated a hearing will be held.

Wood County Firefighters Association – Commissioner Stallard will respond to their letter.

NEW BUSINESS

Mid-Atlantic Conference of 2007 was held in Hampton, Virginia. Chairman Eversole attended and gave a report. The 2008 Conference will be held in Maryland, possibly Annapolis starting on September 30th.

CORRESPONDENCE

STAFF REPORTS

Fire Marshal Lewis went over the Bakerton Fire Dept. correspondence. There is no fire station and they cannot protect the apparatus. Bakerton is not a first responder station. The Phase 2 agreements are not being honored. He stated he would continue to keep the Fire Commission updated.

Fire Marshal Lewis stated there was a statewide burn ban issued by the Governor until further notice.

Fire Marshal Lewis stated he issued a 30 day temporary suspension for Rhodell VFD. Their training and equipment was substandard. There is a criminal investigation ongoing. Fire Marshal Lewis stated he is recommending that the fire department be placed under the discretion of the State Fire Marshal's Office for a period of one year. Commissioner Stallard made the motion. Commissioner Bostar seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to follow the rules and negotiate an agreement and acceptable plan. Commissioner Goodwin seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Fire Marshal Lewis stated that Ben Roy, NFPA, stated that 26 states have adopted or introduced legislation for a Fire-Safe Cigarette. They would like to have the support of the State Fire Commission to get the same legislation introduced in West Virginia. Commissioner Stallard made a motion to support this legislation. Commissioner Bailey seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

COMMITTEE REPORTS

Technical and Adult Training, Vo-Tech, Mr. Ed Hicks introduced Debrah Varner, Assistant Director of Adult Education. And from RESA III, the regional coordinator/Director over Adult Education and fire service training, Barry Kelly. He stated that WVU came up with a CD-ROM of the junior fire academy at Jacksons Mill and it was done by Murrey Loflin.

Online firefighting course, Firefighter I and II and HazMat and all the way up to HazMat Ops. There is two main vendors of online firefighting courses.

Mr. Hicks stated their annual reports would be ready at the next Fire Commission meeting.

Mr. Hicks stated the ASET Conference will be held at Canaan Valley on December 1 and 2.

Training, WVU-FSE, Mr. Lanny Adkins stated the State Fire Academy is approximately 75% completed. There are two classrooms plus a third classroom that will be used as a distance learning center. The mobile structure will be cleaned up and stored for the winter. The projected completion date is December 15, 2007.

Mr. Adkins stated the Mobile Aircraft Fire Trainer and the Mobile Structural Fire Trainer have been on the road for classes. The Portable Fire Extinguisher Trainer from Kidde Fire Trainers. It has different props with it. He stated the new command vehicle came in July, 2007. It is a command package, it is used to provide practical training on the Incident Command System in conjunction with the Mobile Structural Fire Trainer, the Mobile Aircraft Fire Trainer or as a separate instructional resource.

The State Fire School was held in Morgantown, WV with 210 students and 23 different classes. The 2008 Fire School is scheduled for July 20-27, 2008. They are looking at different options for the location of the State Fire School.

The Junior Firefighter Camp was held at Jacksons Mill on August 12-15, 2007. There were 74 students. Next year's school will be held June 22-27, 2008.

He stated he came on board a few weeks ago. WVU Human Resources will be announcing a job search for another Program Coordinator as well as an administrative assistant. These new positions will be located at the new State Fire Academy, Jacksons Mill.

For WV Weekend there are 92 people signed up. 89 showed up. Next year, the state weekend will be October 18 & 19, 2008.

Training Committee, Commissioner Stallard stated he and Commissioner Bostar performed an audit of the Moundsville Facility. They provide training, the National Center for Law Enforcement. They found it to be very accessible and pretty advanced in some of the things they do. He stated he feels they are an acceptable training provider.

Commissioner Stallard stated several pieces of correspondence were received and he will respond to them. One was from the Wood County Firefighters and another Fork Ridge VFD.

Commissioner Stallard stated in the Committee meeting, there was a discussion about considering legislation to clarify the code and regulation of training providers. He stated they might ask for an Attorney General's opinion on the Fire Commission's authority to regulate training providers. Then, based on that opinion, to see if legislation should be considered at that time, they will act on it.

He stated they have a new curriculum for submittal to the approval process. It is training from the National Correction Law Enforcement Training Technology Center. He has reviewed the information and he feels it meets the criteria. Commissioner Stallard made a motion to approve the 16 hour course for Moundsville. Commissioner Bostar seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Insurance Services Office (ISO), Mr. Robert Nevins stated they are coordinating the PPC Program at ESCAPE in February, 2008.

Office of Emergency Medical Services, Mr. Deron Wilkes – No report

FD Standards Evaluation, Commissioner Oldaker stated they reviewed the clean up and technical changes to the fire department requirements. Staff is prepared to act on those changes and get them up on the website. The Committee also reviewed and discussed with Counsel the option available of converting the policy documents that the fire department requirements and rescue training requirements are currently in to a different format known as an interpretative rule. It does not change them or any of the intent. The Committee recommended that the Fire Commission authorize Counsel to prepare a draft for review. He stated the Committee began an evaluation of nine application packets submitted under the Fire Officer I equivalent Certification submission form. Of the nine applications, eight of them were found to meet the requirements, one is lacking one certificate. He made a motion that the eight that meet the criteria be approved an certification be issued. Commissioner Stallard seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Oldaker stated that it is the Committee's recommendation that the policy documents be converted into an interpretative rule. He so moved.

Commissioner Bostar seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Recruitment and Retention Committee, Commissioner Runyon. No report.

Procedures Development Committee, Commissioner Bailey stated nothing to report.

Special Issues, Chairman Bostar stated they were asked to look at bringing the fire civil service board to see if they would be amenable to providing a few encouraging points to students graduating from the Vo-Tech umbrella of firefighting training courses. He stated there was no support for it. So he was going to abandon the effort unless someone comes up with something new.

Legislative and Budget, Commissioner Spencer stated everything is moving along. The bills are working their way through the legislative channels.

Home Inspectors, Building Code Officials, Building and Fire Code Committees, Commissioner Guffey stated he had received a request from the WV Code Officials Association to file an emergency rule to adopt the 2006 International Codes. They are offering to prepare a draft for review by the Building Code Committee well in advance of the December meeting. He stated the justification for the emergency rule filing is based on ISO rating criteria and penalties and WV State Fire Commission certification requirements. They have offered to contact all affected parties, document any concerns or comments they present.

Mr. Bob Cannon stated that with the onset of certification requirements and the ISO rating process has moved up to the latest adoption of the code as their primary concern as to the certification of building code officials. They are based on the latest edition of the code.

Commissioner Guffey made a motion to give permission to WV Code Officials to proceed with this rule. Commissioner Spencer seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Guffey stated an additional issue of requesting the Fire Commission's approval for amendments to WV Code 29-3-5b clarifying State Building Codes, construction renovation standards. The WV Code Officials will prepare a draft of amendments for the legal counsel to review and contact interested parties for comment. Commissioner Guffey made this a motion. Commissioner Bostar seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Guffey stated regarding some changes regarding certification of building code officials, plans examiners, inclusion of the International Residential Building, Plumbing, and Mechanical Inspectors Test was approved as the alternative to the National Home Inspector's Certification Test. Code Officials will prepare these drafts for review.

Commissioner Guffey stated a letter was received from a company known as Construction Inspection Associates, Mr. John C. Hempel, who presently has an argument with the WV State Board of Registered Professional Engineers concerning recommendations of structural modifications to residences. The Fire Commission is not the regulatory agency here.

Commissioner Guffey has received a request from the Town of Marlinton Building Inspector who is in the process of filling a part time Building Code Flood Plain Coordinator position. Within the guidelines of the regulations which allows three years for a person to become fully certified as a building code official. Commissioner Guffey made a motion that allows the Town of Marlinton to proceed with the hiring and filling a part-time building code official position. Commissioner Stallard seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Guffey stated he received a phone call from the WV Housing Development Fund concerning Greenbrier County which has had a huge expansion of residential developments. They want to establish a building code and planning group in Greenbrier County. They want to hire a team of 3 people. He told them there is a number of resources to assist them.

Commissioner Guffey stated a request was received from WIN Home Inspection to approve their criteria for training of home inspectors. What submitted is not sufficient so he is going to ask for additional data. The same request from Parker Training Services. Kaplan Professional Schools has a continuing education program that is quite extensive and they have submitted all their criteria and the Committee reviewed it and he made a motion that continuing education approval for residential energy inspection be approved. Commissioner Bostar seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Guffey stated he wanted to express his thanks to the home inspectors and building code officials who are helping him and Deputy Carrico get through the volume of paper they are receiving from vendors regarding training and continuing education.

TIME AND PLACE OF NEXT MEETING

The next meeting will be held at the Vienna Fire Department on December 7, 2007. The Committee Meetings will be held on Thursday, December 6, 2007 at Vienna Fire Department, Vienna, WV. The February, 2008 meeting will be at Days Inn in Flatwoods, WV.

GOOD OF THE ORDER

Thank you card received from the Runyon family regarding the death of Commissioner Runyon's mother.

Remember to make your hotel reservations for December meeting.

The Fallen Firefighters Memorial Service was held on Sunday, October 7, 2007. The service is always held on the Sunday following Fire Prevention Week. If at all possible, please attend.

ADJOURN

Commissioner Stallard made a motion to adjourn. Commissioner Goodwin seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Respectfully submitted,

Sterling Lewis, Jr.
State Fire Marshal